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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,053	09/01/2000	Peter S. MacLeod	07844-357001	5505
21876	7590	09/26/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022			NGUYEN, MADELEINE ANH VINH	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/653,053

Applicant(s)

MACLEOD, PETER S.

Examiner

Madeleine AV Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE filed on June 29, 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-24, 26-45 and 47-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 22 and 43 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5-21, 23, 24, 26-42, 44, 45 and 47-63 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/21/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 29, 2005 has been entered.

Applicant cancels claims 4, 25 and 46, amends claims 1, 2, 3, 5, 8, 11, 12, 13, 22, 23, 24, 26, 29, 32, 33, 34, 43, 44, 45, 47, 50, 53, 54 and 55.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 22, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipton (US Patent No. 5,835,098).

Concerning claim 22, Lipton discloses an apparatus (Figs.1-2) comprising means (31, Fig.2) for identifying a first device color profile associated with an output device (50-60, Fig.5; col. 3, line 48 – col. 4, line 56; col. 5, line 28 – col. 6, line 19); and means (28, Fig.1) for automatically selecting a rendering intent based on the color characteristics of the output device,

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the color characteristics being defined by the first device color profile (64-68, Fig.5; col. 6, lines 7-10; col. 6, lines 19-27).

Lipton does not specifically teach the selection of a rendering intent from a plurality of rendering intents. However, it was a matter of well known in the art that there are a plurality of rendering intents to be selected based on the color characteristics of the profile device. In addition, Lipton teaches that the rendering intent can be easily changed (col. 6, lines 7-8) and when the rendering intent of the profile object does not match the rendering intent in the device profile, the color profile manager 28 changes the color profile object's rendering intent to match the specified rendering intent in the device profile (64-66, Fig.5). That means there are at least 2 or more rendering intents in order for the color profile manager to automatically select or change different rendering intent which can match the rendering intent specified in the device profile. It would have been obvious to one skilled in the art at the time the invention was made to consider. Lipton teaches the selection of a rendering intent from a plurality of rendering intents since the fact that the apparatus can change the rendering intent indirectly shows that there are a plurality of rendering intents for the color profile manager 28 to select in order to match the rendering intent in the device profile.

Claim 1 is method claim of apparatus claim 22. Claim 1 is rejected for the same rationale set forth for claim 22.

Concerning claim 43, Lipton discloses a computer program product, tangibly embodied on a computer readable medium (col. 1, lines 14-19; col. 6, lines 59-63; col. 8, lines 16-19), comprising instructions operable to cause a processor to perform the operations as discussed in claims 1 and 22 above.

***Allowable Subject Matter***

4. Claims 2-3, 5-21, 23-24, 26-42, 44-45, 47-63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: Claims 2-3, 5-21, 23-24, 26-42, 44-63 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches a method, an apparatus and a computer program product as claimed in claims 1, 22, 43 and further comprising the steps of, means for or instructions which cause a processor to generating output data by transforming the input data using a second device color profile, which is different from the first device color profile, as a target device color profile, the first device profile as a source device color profile, and the selected rendering intent; and sending the output data to the emulation device (claims 2, 23, 44); wherein the automatic selection of a rendering intent further comprising selecting the rendering intent based on the emulation device color profile (claims 11, 32, 53).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Chen et al (US Patent No. 6,947,174) discloses a system where the color space conversion process uses color profile look-up tables to select a profile for each of the

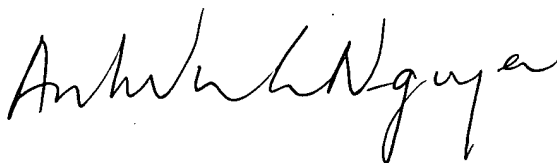
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possible attribute value combinations, assigning a value of wildcard to one or more attributes.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday, Tuesday, Thursday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2626

September 22, 2005